

**CONTINUING APPLICATION TRANSMITTAL UNDER RULE 1.53(b)  
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

13281 U.S. PTO  
07/21/03



**32294**

PATENT TRADEMARK OFFICE

**CUSTOMER NO. 32294**

SQUIRE SANDERS & DEMPSEY L.L.P.  
8000 Towers Crescent Drive, 14<sup>th</sup> Floor  
Tysons Corner, Virginia 22182-2700  
Telephone: (703) 720-7800  
Facsimile: (703) 720-7802

Docket No. 59556.00005

Date: July 21, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing under 37 C.F.R. §1.53(b) is a

☐ Continuation      ☒ Divisional      ☐ Continuation-in-Part

application of prior pending Application No. 09/940,604, filed August 29, 2001,

For (Title):      MARKING METHOD AND MARKING APPARATUS USING MULTIPLE  
PHOTON ABSORPTION, MARKED OPTICAL ELEMENT MANUFACTURED BY  
USING THE MARKING METHOD AND THE MARKING APPARATUS

By (Inventors):      Ken-ichi HAYASHI and Kazuyoshi ITOH

1. ☒ A Declaration and Power of Attorney is attached. The attached Declaration and Power of Attorney is:
  - ☒ a. A copy of the Declaration and Power of Attorney from the parent application. (Used with the same or fewer inventors and (a) a copy of the prior application or (b) a revised, reformatted or edited version of the prior application that does not contain new matter.)
  - ☐ b. A new Declaration and Power of Attorney. (Used with the same, fewer or additional inventors and (a) a copy of the prior application, (b) a revised, reformatted or edited version of the prior application that does not contain new matter, or (c) a new specification.)
2. ☒ The filing fee based on entry of the concurrently filed Preliminary Amendment is calculated below:

**CLAIMS IN THE APPLICATION AFTER ENTRY OF  
ANY PRELIMINARY AMENDMENT NOTED BELOW**

FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	5 - 20	= 0
INDEP CLAIMS	2 - 3	= 0
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS PRESENTED		

\* If the difference is less than zero, enter "0".

**SMALL ENTITY**

RATE	FEE
	\$ 375
x 9 =	\$
x 42 =	\$
+140 =	\$
TOTAL	\$

OR  
OR  
OR  
OR  
OR  
OR

**OTHER THAN A  
SMALL ENTITY**

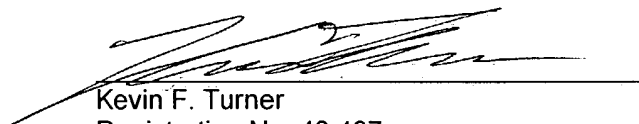
RATE	FEE
	\$ 750
x 18	\$
x 84	\$
+280	\$
TOTAL	\$ 750

3. ☒ Check No. 010284 in the amount of \$ 750.00 to cover the filing fee is attached. The Commissioner is hereby authorized to charge any other fees that may be required to complete this filing, or to credit any overpayment, to Counsel's Deposit Account No. 50-2222.
4. ☐ Cancel claims \_\_\_\_\_ of the application before calculating the filing fee. At least one independent claim is retained for filing purposes.
5. ☒ Amend the specification by inserting before the first line the sentence:  
--This is a ☐ Continuation ☒ Division ☐ Continuation-in-Part of Application No. 09/940,604 filed August 29, 2001, The disclosure of the prior application is hereby incorporated by reference herein in its entirety.--
6. ☒ Formal drawings (Figs. 1 - 8; 8 sheets) are attached.
7. ☒ Priority of foreign application No. 2000-258854 filed August 29, 2000 in Japan is claimed under 35 U.S.C. §119 and/or §365(b).
8. ☒ The certified copy was filed in prior Application No. 09/940,604 on August 29, 2001.
9. ☐ A certified copy of the above foreign application(s) is attached.
10. ☐ Priority of U.S. Provisional Application(s) No. \_\_\_\_\_ filed \_\_\_\_\_ is claimed under 35 U.S.C. §119(e).
11. ☐ Amend the specification by inserting before the first line the sentence:  
--This nonprovisional application claims the benefit of U.S. Provisional Application(s) No. \_\_\_\_\_ filed \_\_\_\_\_.--
12. ☒ The prior application is assigned of record to Sumitomo Heavy Industries, Ltd. recorded at Reel 012129, Frame 0806 on August 29, 2001.
13. ☐ This application is filed by fewer than all the inventors named in the prior application (37 C.F.R §1.53(b)(1)). Delete the following inventor(s) named in the prior application:
14. ☒ A Preliminary Amendment is attached.
15. ☒ An Information Disclosure Statement is attached along with Form PTO-1449.
16. ☐ Small entity status:  
☐ a. Applicant qualifies for small entity status.  
☐ b. Applicant qualified as a small entity status in the parent application and such status is still proper and desired.  
☐ c. Small entity status is no longer claimed.
17. ☒ Other: Copy of Change of Name and Address and Associate Power of Attorney filed September 3, 2002
18. ☒ The Power of Attorney in the application is to Douglas H. Goldhush, Reg. No. 33,125; Kevin F. Turner, Reg. No. 43,437; Dinnatia J. Doster, Reg. No. 45,268; Hermes M. Soyez, Reg. No. 45,852; Marc A. Sockol, Reg. No. 40,823; Cameron Kerrigan, Reg. No. 44,826; David B. Abel, Reg. No. 32,394; Nathan Lane, Reg. No. 43,738; David Rogers, Reg. No. 38,287; and Stuart A. Whittington, Reg. No. 45,215.

19. ☒ Address all future communications to:

**Customer Number 32294**  
**SQUIRE, SANDERS & DEMPSEY LLP**  
**14<sup>TH</sup> Floor**  
**8000 Towers Crescent Drive**  
**Tysons Corner, Virginia 22182-2700**  
**Telephone: 703-720-7800**  
**Fax: 703-720-7802**

Respectfully submitted,

  
Kevin F. Turner  
Registration No. 43,437

**Customer No. 32294**  
**SQUIRE, SANDERS & DEMPSEY L.L.P.**  
**8000 Towers Crescent Drive, 14<sup>th</sup> Floor**  
**Tysons Corner, Virginia 22182-2700**  
**Telephone: 703-720-7800**  
**Fax: 703-720-7802**

KFT:lls